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Fax Cover Sheet

Date: 05 Jun 2003

To: Clifford Mass	From: Callie E. Shosho
Application/Control Number: 09/047,717	Art Unit:
Fax No.: 212-246-8959	Phone No.: 703-305-0208
Voice No.: (212) 708-1930	Return Fax No.: 703-872-9310
Re: Interview Summary	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

Comments:

Number of pages 4 including this page

STATEMENT OF CONFIDENTIALITY

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Interview Summary	Application No.		Applicant(s)	
	09/047,717		TANIGUCHI ET AL.	
	Examiner		Art Unit	
	Callie E. Shosho		1714	

All participants (applicant, applicant's representative, PTO personnel):

(1) Callie E. Shosho. (3) _____

(2) Clifford Mass. (4) _____

Date of Interview: 04 June 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: Takizawa et al. (U.S. 6,174,354), Tomita et al. (U.S. 5,017,224), Tomita et al. (U.S. 5,019,164).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Callie Shosho
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicants requested clarification regarding the statement made by the examiner in paragraph 18 of the office action mailed 8/21/01, Paper No. 20, wherein the examiner stated that if applicants were willing to insert the limitation of claim 27 into claim 23, the examiner would be willing to reconsider the above rejection. Examiner explained that by that statement, it was meant that if applicants made the proposed amendment, the reference discussed in the above paragraph, namely Tomita et al. '164, would be reconsidered. It is noted that when applicants made the suggested amendment, examiner did withdraw the rejection with respect to Tomita et al. '164.

With respect to Takizawa et al., applicants argue that the amphoteric polymer of Takizawa et al. is not the same as the presently claimed cationic polymer. Applicants argue that Takizawa et al. is not a relevant reference against the present claims given that Takizawa et al. disclose the use of an amphoteric polymer which functions as an anionic polymer under certain conditions and as a cationic polymer under certain conditions but that the present claims require a cationic polymer which is a cationic polymer at all times not only under certain conditions. That is, the presently claimed cationic polymer will always function so as to collect at the negative pole or cathode when immersed in liquid media and subjected to electric potential regardless of the conditions.

With respect to Tomita et al. '224, applicants argue that the reference is not a proper reference under 35 USC 102, as set forth by the examiner in the rejections of record, given that there is too much picking and choosing required to arrive at the presently claimed invention. Further, applicants noted that in the examples, there is no requirement that the polyamine is one which is the same as the presently claimed cationic resin. That is, the examples only broadly require the use of polyamine comprising certain percentage of primary amino groups. There is no disclosure that the polyamine in the examples of Tomita et al. '224 is the polyamine of the formula of col.3 which is encompassed by the scope of the present claims.

Further, with respect to examiner's argument on page 3 of the office action mailed 1/7/03, Paper No. 25 regarding the phrase "consisting essentially of", examiner had stated that while it is recognized that the phrase "consisting essentially of" narrows the scope of the claims to the specified materials and those which do not materially affect the basic and novel characteristics of the claimed invention, absent a clear indication of what the basic and novel characteristics are, "consisting essentially of" is construed as equivalent to "comprising" and further that the burden is on the applicant to show that the additional ingredients in the prior art, i.e. primary amino repeating units, would in fact be excluded from the claims and that such ingredients would materially change the characteristics of the applicant's invention. Applicants argue that comparative example 2 on page 24 of the present specification, which shows that ink comprising polymer with primary amino repeating units is inferior to ink of present claims, shows that primary amino repeating units do materially affect the basic and novel characteristics of the claimed invention and thus are outside the scope of the present claims which recite "consisting essentially of" claim language (claims 71-72 and 75-76).